

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Case No.: 3-10-cv-234**

MEINEKE CAR CARE)
CENTERS, INC.,)
Petitioner,)
v.)
DENNIS CATTON,)
Respondent.)

)

ORDER TO SHOW CAUSE

THIS MATTER is before the Court on Meineke's order to show cause and motion for contempt (Document #15) and the exhibits attached thereto, filed August 16, 2010.

On June 24, 2010 this court issued a preliminary injunction and order enjoining Dennis Catton's continued use of the Meineke trademark and enjoining Catton's continued breach of a covenant not to compete. (Document #12) Meineke now alleges that Catton is in violation of this court's order. Based on the observations and declaration of Meineke Operations Manager Kevin Holliday, Meineke alleges that Catton is in violation of the injunction because: (1) the defendant is still working at the former Meineke location, (2) the Defendant is still advertising brake services, and (3) the Defendant still has or is operating a pipe bender machine, which is used for performing exhaust services. Holliday Decl. Ex. 2, at 1-2. Such activities, if true, would be violation of this court's preliminary injunction and order prohibiting Catton from "managing, operating, or consulting with any business performing exhaust, brakes, or shocks and struts services at the premises of former Center No. 857 or within six (6) miles of former Center

No. 857." (Order ¶ 1).

WHEREFORE, for the foregoing reasons, **IT IS HEREBY ORDERED** that Dennis Catton appear before the United States District Court for the Western District of North Carolina, in the United States Courthouse in Statesville, on the 13th day of December at 2:00 p.m. to show cause why he should not be compelled to obey the Order and Preliminary Injunction of this court issued on June 24, 2010.

IT IS FURTHER ORDERED that a copy of this Order, together with the petition and exhibits thereto, shall be personally served upon Dennis Catton.

SO ORDERED.

Signed: November 12, 2010



Richard L. Voorhees
United States District Judge

